

REMARKS

In paragraph 4 of the final Action, claims 1-3 and 10 were rejected under 35 USC 102(b) as being anticipated by Biensan et al. In paragraph 6 of the Action, claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Biensan et al. in view of Naruoka et al.

In regard to claim 8, it is not clear in paragraph 5 of the final Action how claim 8 was rejected. However, in the context thereof, it is assumed that claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Biensan et al. in view of Naruoka et al.

In view of the rejection, claims 1 and 9 have been canceled, and claims 2, 3 and 8 have been amended to depend from claim 10, which should be allowable over the prior art references.

In claim 10, a material of a positive electrode for a secondary lithium cell comprises a particulate active material of positive electrode for a secondary lithium-ion cell represented by a general formula, $\text{Li}_a\text{Co}_b\text{A}_c\text{B}_d\text{O}_e\text{F}_f$, wherein A is Al or Mg, B is a group-IV transition element, $0.90 \leq a \leq 1.10$, $0.97 \leq b \leq 1.00$, $0.0001 \leq c \leq 0.03$, $0.0001 \leq d \leq 0.03$, $1.98 \leq e \leq 2.02$, $0 < f \leq 0.02$, and $0.002 \leq c + d \leq 0.02$, said element A, element B and fluorine are evenly present in a vicinity of particle surfaces; a single-component oxide of said element B is 20% or less; and no diffraction peaks are observed at 2θ of $28 \pm 1^\circ$ in a high-sensitivity X-ray diffraction spectrum using Cu-K α ray.

Namely, in the material represented by $\text{Li}_a\text{Co}_b\text{A}_c\text{B}_d\text{O}_e\text{F}_f$, fluorine is positively included as $0 < f \leq 0.02$.

On the other hand, in Biensan et al., the material is expressed by $\text{Li}_x\text{M}_y\text{A}_m\text{D}_z\text{O}_t$, wherein $0.8 \leq x \leq 1.2$, $0 \leq z \leq 0.3$, $1.8 \leq t \leq 4.2$, $(0.8-m-z) \leq y \leq (2.2-m-z)$, $0 < m \leq 0.03$, and wherein M is at least one transition metal selected from nickel, cobalt,

manganese and iron, A is selected from magnesium and calcium, and D is at least one element selected from the elements of groups 4b to 5a of the periodic classification.

Namely, the material in Biensan et al. does not include fluorine. However, in claim 10, fluorine is positively included.

In paragraph 4 of the final Action, claim 10 was rejected under 35 U.S.C. 102(b) by Biensan et al. However, no explanation is made for the inclusion of fluorine in claim 10 while Biensan et al. does not include of fluorine.

As stated on page 2, lines 16-21 of the specification, the secondary lithium cell has good cycle characteristics even in a high-voltage region by simultaneously adding fluorine. The material for the positive electrode having fluorine is not disclosed or suggested by Biensan et al.

In regard to Naruoka et al., the mean particle diameter of the positive active material was referred to in the final Action. Naruoka et al. does disclose fluorine for the secondary battery.

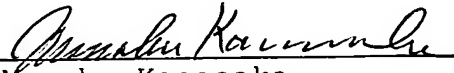
Therefore, even if Biensan et al. and Naruoka et al. are referred to, claim 10 is not obvious from these cited references.

Although claims 2, 3 and 8 have been amended to depend from claim 10, claim 10 is allowable over the cited references. Therefore, the amendments do not introduce new issue.

As explained above, claims pending in the application are patentable over the cited references.

Reconsideration and allowance are earnestly solicited.

Respectfully Submitted,

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